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3 DISTRICT COURT OF Hamilton County, Chattanooga, Tennessee

4

5 Marta Iznaga, Debbie Gilreath,

) Case No.:

6 Anika Bass, _____

)

7 Plaintiff,

)

8 vs.

)

9 Jim Coppinger & Hamilton County

)

10 Government,

COMPLAINT

11 Defendant

12

13 Concerning the employment layoff of June 15, 2011. We did not receive
14 notice of our layoff until June 15, 2011. Pursuant to Section 216-
15 Reduction in Force of the handbook, We were entitled to be notified in
16 writing and given the reasons for the layoff at least fourteen (14)
17 days prior to the effective date of our layoff, which was June 15,
18 2011. We did not receive this notice. Pursuant to Section 202(d) of
19 the Hamilton County Government Employee Handbook, approval July 21,
20 2010, we were entitled to elect voluntary demotion or transfer to
21 another available position at the same salary level in lieu of layoff.
22 We were not given this option. A job fair was offered the following
23 Monday where 42 positions were available, but were not given any
24 employment.

25

26 Pursuant to Section 202(d), 216 (11) and 702 (b) of the Employee
27 Handbook, we request a voluntary demotion or a transfer to another
28 available position at the same salary level as provided in Section 216

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1 (11) and 702 (b) of the Employee Handbook. Section 216 (12) of the
2 Handbook also provides that we the client will be considered for
3 employment when appointments are made to the class of position
4 affected by the reduction in force, or to other positions within the
5 agency, within one year of the date of his/her layoff.

6

7 We were all excellent employees and have work for the county for many
8 years. We did above and beyond our work expectations.

9

10 Plaintiff brings forth the following causes of action and alleges
11 the following:

12 1. Mr. Coppinger stated that the layoffs were necessary due to lack
13 of funding. But yet, many new employees have been hired since
14 the layoff.

15 a. Annual longevity checks were raised December 2011.

16 b. Promising raises to all employees.

17 c. Money for furniture, painting and other unnecessary
18 expenses have been allocated.

19 2. On June 15, 2011 Mr. Coppinger had us humiliated, escorted to our
20 desk then off

21 *a*
22 site just like you would criminal. We are not criminals. This
23 action not only caused financial distress it caused mental
24 anguish and stress that was not justified or necessary. Our
25 families were and still are affected by this humiliation,
26 emotional distress, mental anguish and financial distress.

27

28

DAMAGES

(“*Prayer for Relief*”)

3 WHEREFORE, Plaintiffs seek compensatory damages in the amount of
4 ~~each~~ \$1,000,000.00 for back pay, benefits and mental anguish to us and our
5 family together with any attorney fees and any court costs.

6 We request to be reinstated to Hamilton County Government with
7 previous full benefits. Vacation time reinstated. Continuum of
8 benefits.

9 We ask that those that were also laid off be reinstated.

10 We ask a full financial public disclosure to the tax payers. Please
11 explain how you have No money one day then the next time you have
12 money for raises and other things.

13 We ask that county be responsible for not only developing policy and
14 procedures but following them as well.

Tenn. Code Ann. § 5-23-103 (2012)

5-23-103. Adoption of base personnel policies.

18 (a) Each county official shall adopt base personnel policies, which shall be
19 approved by an attorney as provided in this chapter and filed in the office of
20 the county clerk as provided in this section on or before December 31, 1997.
21 The county official shall submit the base personnel policies to the attorney
22 selected in accordance with § 5-23-105, to be reviewed for compliance with
23 the provisions of this chapter and other applicable law. In the event that any
24 policy is not approved by such attorney, the county official may challenge
25 the conclusion of the attorney as to such policy and have such policy
26 reviewed by another attorney selected by the county official and paid from
27 the fees of the office or funds budgeted for the office or department, and the
28 conclusion of that attorney shall be final. The county official shall submit the

1 approved base personnel policies with the county legislative body in the
2 same manner established in subsection (a).

3
4 **HISTORY:** Acts 1997, ch. 361, § 3; 1998, ch. 596, §§ 1, 3; 2003, ch. 90, §
5 2.

6 Tennessee Code Annotated:

7
8 **5-1-105. Suits against counties.**

9 Suits may be maintained against a county for any just claim, as against
10 other corporations.

11 **HISTORY:** Code 1858, § 403 (deriv. Acts 1857-1858, ch. 15, §§ 1, 2);
12 Shan., § 494; Code 1932, § 740; Acts 1972, ch. 565, § 2; T.C.A. (orig. ed.),
13 § 5-105.

14 **5-1-107. Mandamus to enforce county duties.**

15 The performance of any duty made incumbent by law upon the county may
16 be enforced by mandamus from the circuit court, according to the nature of
17 the case.

18 **HISTORY:** Code 1858, § 537; Shan., § 684; Code 1932, § 1080; T.C.A.
19 (orig. ed.), § 5-107.

20
21 ON 6-10-12, on THE voice 2020 (sunday 1pm-2pm). WMPZ 9
22 DR. Rick Wilson, Political Science Professor, explained on radio
23 how this was a wrongdoing on the county's
24 behalf. He also stated that the county did come
25 up with the money the said was deficit plus
26 3,000 more. Which proves the county had the
means to keep us employed. And laying us off for
lack of funds is incorrect.

27
28 MARTA IZNAGA - P.O. Box 1331 - Collegedale, TN 37315
Phone - 678-301-8619
Debbie GilReath - 181 - N. Brent DR. - Ringgold, GA. 30736
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15 **REQUEST OF THE COURTS**

16 We the plaintiffs ask the courts for an extension / time to
17 secure an attorney to assist us with this matter.

18 Dated this 14th day of June, 2012

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State of Tenn County of Hamilton
Subscribed and sworn to before
me this 14th day of June
2012 by Deborah Gilbreath/Marta Izaguirre
Robbie E. Dodd Notary Public
My Commission Expires 2/17/16

Deborah R. Gilbreath
Marta Izaguirre
Pro Se

